

**REPORT - PLANNING COMMISSION MEETING**  
**April 22, 2004**

**Project Name and Number:** Manufactured Homes ZTA (PLN2004-00202)

**Applicant:** City of Fremont

**Proposal:** To consider a Zoning Text Amendment to amend applicable sections of Title VIII [Planning and Zoning], Chapter 2 [Zoning] of the Fremont Municipal Code to revise regulations applying to Manufactured and Mobile Homes outside of mobile home parks for consistency with State Law and implementation of the City's certified General Plan Housing Element.

**Recommended Action:** Recommend to City Council.

**Location:** Citywide.

**Agent of Applicant:** Not applicable.

**Consultant(s):** Not applicable.

**Environmental Review:** The Zoning Text Amendment, pertinent to provisions for Manufactured or Mobile Homes, is exempt from environmental review per Section 15061(b)(3), which applies when the activity has no potential for causing a significant effect on the environment.

**Existing General Plan:** Residential designations.

**Existing Zoning:** Residential zoning designations.

**Public Hearing Notice:** Public hearing notification is applicable. A one-eighth (1/8)-page display advertisement was delivered to The Argus for revisions to the manufactured and mobile homes regulations on April 5, 2004, to be published by April 8, 2004. In addition, 239 public hearing notices were mailed as a courtesy to interested parties.

**Executive Summary:** The proposal before the Planning Commission is to recommend a Zoning Text Amendment (ZTA) to amend applicable sections of Title VIII [Planning and Zoning], Chapter 2 [Zoning] of the Fremont Municipal Code, to the City Council that would revise regulations applying to Manufactured and Mobile Homes on permanent foundations, outside of mobile home parks, for consistency with State Law and implementation of the City's certified General Plan Housing Element.

**Background and Previous Actions:** Effective July 1, 1976, the U.S. Department of Housing and Urban Development (HUD) adopted federal regulations for the construction of mobile homes, the National Mobile Home Construction and Safety Standards Act of 1974. In 1980, the California State Legislature adopted Senate Bill 1960, which prohibited local jurisdictions from preventing the placement of certain mobile homes on lots which permit single-family dwellings. However, Senate Bill 1960 permitted cities to designate lots which were compatible for mobile homes, and to impose certain architectural and aesthetic requirements.

Effective January 1, 1981, the U.S. Congress legislated a change in the terminology from 'mobile home' to 'manufactured home.'

On August 11, 1981, the City of Fremont City Council adopted Ordinance No. 1458 amending the Zoning Code to permit manufactured homes and mobile homes on permanent foundations wherever a single-family dwelling is allowed with a Certificate of Compatibility, issued by the Zoning Administrator and requiring both notification and public hearing prior to approval.

As a result of the recommendation by the Housing Committee meeting on June 8, 1981, the Planning Commission had recommended to the City Council that a 'sunset' clause be included in Ordinance No. 1458. The 'sunset' clause provided that after August 31, 1984, the requirement for notification and public hearing would no longer be required. The intent of the 'sunset' clause had been to give the Planning Commission an opportunity to re-evaluate the need of notifications and public hearings for the placement of manufactured or mobile homes on a permanent foundation on lots which permit single-family dwellings, when such special review or standards were not generally required for single-family housing.

On August 21, 1984, the City of Fremont City Council adopted Ordinance No. 1623 removing the 'sunset' clause from the Manufactured or Mobile Home Ordinance. The requirement for notification and a public hearing remained in the ordinance because, at the time, no applications for the installation of a manufactured or mobile home on a permanent foundation had been filed with the City and it was staff's recommendation, at the time, that a public hearing should be held on each case.

In 1988, the California State Legislature passed an amendment, further limiting a local government's authority to regulate the siting of manufactured housing, and permitted the placement of manufactured homes on any lot on which a site-built home can be built. As a result, the City of Fremont does not have the authority to require a Certificate of Compatibility, notification or public hearing for the installation of a manufactured or mobile home on a permanent foundation on a lot where a single-family home may be developed. The Zoning Text Amendment proposes to amend regulations applying to manufactured and mobile homes on permanent foundations, outside of mobile home parks, for consistency with State Law and implementation of the City's certified General Plan Housing Element.

**Project Description & Analysis:** The Zoning Text Amendment will remove the requirement for a Certificate of Compatibility for the installation of a manufactured or mobile home on a permanent foundation outside of a mobile home park. The following is a section-by-section review of the ordinance proposed for revision. The new text is underlined and the text to be deleted has been ~~struck~~. A brief analysis follows each section.

#### **Section 1:**

Section 8-2141. (Dwelling.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

##### **Sec. 8-2141. Dwelling.**

"Dwelling" shall mean any building, or portion thereof, designated or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, travel trailer or trailer coach ~~mobile home which is not located on a permanent foundation.~~ (For the purposes of this chapter, the terms "travel trailer", "trailer" and "mobile home", which are each separately defined terms in this chapter, are mutually exclusive terms.)

Staff Analysis: The definition of "dwelling" is amended for clarification to establish that mobile homes, not on a permanent foundation, are excluded from consideration as a dwelling. Distinction is made between a "trailer", "travel trailer" and "mobile home", all of which are separately defined in Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

#### **Section 2:**

Section 8-2141.0.1. (Dwelling, duet.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

##### **Sec. 8-2141.0.1. Dwelling, duet.**

"Duet dwelling" shall mean a detached building designed for occupation as the residence of two families living independently of each other, typically having one interior wall in common, with each family living area defined by separate fee title ownership of both structure and underlying land. This definition includes manufactured and mobile homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

Staff Analysis: The definition of "dwelling, duet" is amended to include two-family unit manufactured or mobile homes pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 3:**

Section 8-2141.2. (Dwelling, multiple.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.2. Dwelling, multiple.

"Multiple dwelling" shall mean a dwelling designed to contain three or more dwelling units, including apartments, condominiums, attached townhouses and similar dwellings, but excluding motels, hotels, boardinghouses, lodging houses, fraternities, and similar dwellings. This definition includes multi-unit manufactured homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

Staff Analysis: The definition of "dwelling, multiple" is amended to include multiple unit manufactured or mobile homes pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 4:**

Section 8-2141.2.1. (Dwelling, secondary.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.2.1. Dwelling, secondary.

"Secondary dwelling" means an additional dwelling unit established in conjunction with a single-family dwelling on the same lot. A secondary dwelling unit shall include a kitchen, sleeping and full bathroom with facilities with a permanent foundation. As provided in Government Code §65852.2, efficiency apartments and manufactured homes may be developed and occupied as secondary dwelling unit uses consistent with this Chapter. Only manufactured or mobile homes constructed after July 1, 1976 and placed pursuant to section 8-22149(g) are permitted.

Staff Analysis: The definition of "dwelling, secondary" is amended for clarification that manufactured or mobile home secondary dwelling units must conform with the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 5:**

Section 8-2141.3. (Dwelling, single-family.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.3. Dwelling, single-family.

"Single-family dwelling" shall mean a dwelling designed to contain a single dwelling unit. This definition includes manufactured and mobile homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g). ~~and certified under the National Mobile Home Construction and Safety Standards Act of 1974~~

Staff Analysis: The definition of "dwelling, single-family" is amended for clarification to include manufactured homes and to remove the reference to the National Mobile Home Construction and Safety Standards Act of 1974, which is reiterated in the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning), Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 6:**

Section 8-2141.4. (Dwelling, two-family or duplex.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.4. Dwelling, two-family or duplex.

"Two-family dwelling" or "duplex dwelling" shall mean a structure designed for the occupation as the residence of two families living independently of each other, typically sharing a common interior wall, with both the structure and the underlying land being under a single ownership. This definition includes manufactured and mobile homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

Staff Analysis: The definition of "dwelling, multiple" is amended to include two-family or duplex unit manufactured or mobile homes pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 7:**

Section 8-2162.9.2. (Manufactured home.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2162.9.2. Manufactured home.

"Manufactured home" shall mean a factory-built dwelling unit or units, which is transportable in one or more sections and built on a permanent chassis. A manufactured home shall not be constructed with a permanent hitch or other device permitting the transport of the unit other than for the purpose of delivery to a permanent site. The unit shall not have wheels or axles permanently attached to its body or frame. This term shall not include trailers, trailer coaches or mobile homes as defined in this chapter.

Staff Analysis: The definition of "manufactured home" is expanded to include the various types of manufactured homes.

**Section 8:**

Section 8-2406. (Other required conditions.) Article 4 (A Agricultural District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2406. Other required conditions.

The following additional conditions shall apply in an A district:

~~(e) — A manufactured or mobile home as defined in section 8-2141.3 shall be subject to certificate of compatibility pursuant to section 8-22149(g).~~

~~(f)~~ (e) Outdoor lighting shall be installed and used so as not to interfere with the comfortable enjoyment of life or property by persons of ordinary sensibilities in the community.

Staff Analysis: Staff recommends this section be removed, as a Certificate of Compatibility cannot be required in accordance with State Law. Staff believes that references to 'manufactured or mobile homes' is not necessary in Article 4 because the proposed changes to the definitions of 'dwelling(s)' incorporate manufactured or mobile homes as permitted pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

**Section 9:**

Section 8-2601. (Permitted uses.) Article 6 (R-1 Single-family Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2601. Permitted uses.

The following are the principal permitted uses in an R-1 district:

~~(d) — Manufactured or mobile homes, as defined in Article 1 and subject to certificate of compatibility pursuant to Article 21.3 of this chapter;~~

~~(e)~~ (d) Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

Staff Analysis: Staff recommends this section be removed, as a Certificate of Compatibility cannot be required in accordance with State Law. Staff believes that references to 'manufactured or mobile homes' is not necessary in Article 6 because the proposed changes to the definitions of 'dwelling(s)' incorporate manufactured or mobile homes as permitted pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

## Section 10:

Section 8-2701. (Principal permitted uses.) Article 7 (R-2 One- and Two-Family Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2701. Principal permitted uses.

The following are the principal permitted uses in an R-2 district:

~~(d) Manufactured or mobile homes, as defined in Article 1, subject to certificate of compatibility pursuant to Article 21.3 of this chapter;~~

~~(e)-(d)~~ Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

Staff Analysis: Staff recommends this section be removed, as a Certificate of Compatibility cannot be required in accordance with State Law. Staff believes that references to 'manufactured or mobile homes' is not necessary in Article 7 because the proposed changes to the definitions of 'dwelling(s)' incorporate manufactured or mobile homes as permitted pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

## Section 11:

Section 8-2801. (Permitted uses.) Article 8 (R-G Garden Apartment Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2801. Permitted uses.

The following are the principal permitted uses in an R-G district:

~~(d) Manufactured or mobile homes, as defined in Article 1, subject to certificate of compatibility pursuant to Article 21.3 of this chapter.~~

~~(e)-(d)~~ Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

Staff Analysis: Staff recommends this section be removed, as a Certificate of Compatibility cannot be required in accordance with State Law. Staff believes that references to 'manufactured or mobile homes' is not necessary in Article 8 because the proposed changes to the definitions of 'dwelling(s)' incorporate manufactured or mobile homes as permitted pursuant to the special provisions for manufactured or mobile homes found in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code.

## Section 12:

Section 8-22149. (Mobile homes and trailers not in mobile home parks--Generally.) Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-22149. Mobile homes and trailers not in mobile home parks--Generally.

Mobile homes, as defined by this chapter, shall only be allowed for human occupancy outside the limits of mobile home parks pursuant to the following specifications:

(g) Manufactured or mobile homes as defined in section 8-2141.3 ~~on permanent foundations~~. Manufactured or mobile homes may be located in any residential zoning district placed on permanent foundations in any zone which permits single-family detached dwellings provided that ~~a certificate of compatibility is obtained prior to the submittal of an application for a building permit~~, the manufactured or mobile homes conform to the following:

(1) Application process: Manufactured or mobile homes shall be occupied only for residential use.

a. ~~Applicant submits request on standard City of Fremont application form together with a plot plan and photographs or manufacturer's brochure depicting the proposed mobile home.~~

- b. ~~Applicant provides addressed stamped envelopes of all owners of property within three hundred feet of the lot upon which the mobile home is proposed to be placed.~~
- c. ~~Applicant shall submit copies of the covenants and restrictions of the lot upon which the mobile home is proposed to be placed.~~
- d. ~~The zoning administrator shall hold a public hearing at which time the proposal will be evaluated against the criteria, and testimony received.~~
- e. ~~The zoning administrator shall issue a certificate of compatibility if the proposed unit meets the criteria for a certificate.~~
- f. ~~Any decision of the zoning administrator is appealable pursuant to this chapter.~~
- g. ~~Following issuance of a certificate of compatibility, the applicant shall file for a building permit under normal operating procedures of the building inspection division.~~

(2) ~~Criteria for certificate of compatibility: All proposed mobile homes must be evaluated against the following criteria. The zoning administrator may waive one or more of the compatibility criteria when, in the opinion of the administrator, the overall effect of the proposed mobile home and its installation remains compatible with the area in which the unit is to be placed. The zoning administrator may not impose more stringent criteria or conditions.~~

a. ~~Eligibility:~~

- 1. ~~The mobile home shall be occupied only as a residence.~~
- 2. ~~The mobile home shall conform to all regulations applicable to the zoning district in which it is to be located.~~
- 3. ~~The mobile home shall be certified under the National Mobile Home Construction and Safety Act of 1974.~~
- 4. ~~The mobile home shall be attached to a permanent foundation approved by the chief building official of the City of Fremont.~~

b. ~~Compatibility:~~

- 1. ~~The mobile home minimum width shall not be less than twenty feet.~~
- 2. ~~The exterior material of the mobile home shall be similar to that customarily used in the residential structures in the surrounding areas.~~
- 3. ~~The exterior covering material shall extend to the ground except where a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.~~
- 4. ~~The roofing material shall be composition shingle or other materials customarily used on residential structures in the surrounding area. The roofing material used shall conform to the manufacturer's specifications relative to installation and roof slopes.~~
- 5. ~~The roof of a mobile home shall have a pitch of not less than two and one-half inches of vertical rise for each twelve inches of horizontal run.~~
- 6. ~~The roof shall have eave and gable overhangs of not less than twelve inches measured from the vertical side of the mobile home, or what is customarily found on existing residential structures in the surrounding area.~~
- 7. ~~The mobile home shall be provided with an enclosed garage or carport sufficient in size to accommodate two passenger vehicles and in conformance with Article 20 of this chapter.~~
- 8. ~~The exterior covering material and roof of the enclosed garage or carport shall be the same as the mobile home.~~
- 9. ~~The finish floor of the mobile home shall not exceed thirty inches above the exterior finish grade of the lot.~~
- 10. ~~The facade of the mobile home which fronts on a street shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the surrounding area.~~
- 11. ~~Landscaping shall be provided appropriate to the surrounding area.~~
- 12. ~~The mobile home shall not be in conflict with the covenants or restrictions applicable to the lot on which the mobile home is proposed to be erected.~~

- (2) Manufactured or mobile homes and any garages, carports, and other structures attached there to, must conform to all development standards applicable to the zoning district in which it is to be located.
- (3) Manufactured or mobile homes must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as may be amended.
- (4) Manufactured or mobile homes must be attached to a permanent foundation approved by the Building and Safety Division and pursuant to Section 18551 of the State Health and Safety Code.
- (5) The exterior material of the manufactured or mobile home shall be similar to that customarily used in the residential structures in the surrounding areas.
- (6) The roofing material shall be composition shingle or other materials customarily used on residential structures in the surrounding area. The roofing material used shall conform to the manufacturer's specifications relative to installation and roof slopes.
- (7) The roof shall have eave and gable overhangs of not less than twelve inches measured from the vertical side of the manufactured or mobile home, or what is customarily found on existing residential structures in the surrounding area.
- (8) Manufactured or mobile homes shall be provided with an enclosed garage, or carport, sufficient in size to accommodate two passenger vehicles and in conformance with Article 20 of this Chapter.
- (9) The exterior covering material and roof of the enclosed garage or carport shall be the same as the manufactured or mobile home.
- (10) Placement or relocation of manufactured or mobile homes over 10 years old from the date of manufacture shall not be permitted.
- (11) Manufactured or mobile homes shall not be permitted on properties listed on the National Register of Historic Places, California Register of Historic Places or the City of Fremont List of Primary Historic Resources.

**Staff Analysis:** Staff recommends manufactured or mobile homes, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, with a permanent foundation to be placed in any residential zoning district. Requirements for a Certificate of Compatibility, including the application process, criteria, eligibility and compatibility are proposed for deletion.

As provided in California Government Code §65852.3, architectural requirements imposed on the manufactured or mobile home structure itself by the local municipality are limited to roof overhang, roofing material, and siding material. "These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings."<sup>1</sup> State Law permits local municipalities to preclude the installation of manufactured homes residential zones if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for a permit to install the manufactured home. State Law also provides local discretion pertaining to the installation of a manufactured home on a site or structure with special historical significance or value.

**General Plan Conformance:** The implementation of this Zoning Text Amendment is found to be consistent with the goals of the General Plan, as indicated under the Land Use and Housing Elements, which, in part, state:

#### **Land Use Element**

**Goal LU 1:** New housing development while conserving the character of the City's existing single-family residential neighborhoods.

---

<sup>1</sup> California Government Code Section 65852.3

*Analysis: The Zoning Text Amendment increases different types of manufactured and mobile homes on permanent foundations to be permitted in residential districts, while maintaining the character of the existing neighborhood with requirements for architectural treatments such as roofing and siding material.*

### **Housing Element**

**Goal H 2:** High quality and well-designed new housing of all types throughout the City.

**Goal H 3:** Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City consistent with the Hill Area Initiative of 2002.

**Policy H 3C:** Encourage the development of a diverse housing stock that provides a range of housing types (including family and larger-sized units) and affordability levels and ensures that affordable housing is equitably distributed throughout the City's planning areas consistent with the Hill Area Initiative of 2002.

Implementation 25: Preserve existing mobile homes (783 mobile homes) and continue to allow manufactured housing and mobile homes in single-family (R-1) districts.

Responsible Party: Development and Environmental Services Department, Planning Division.

Objective: 783 mobile homes preserved.

*Analysis: Manufactured and mobile home designs have become increasingly sophisticated in recent years. Designs have accommodated stucco installations, tile roofs, two-story models and two-car attached garages. Manufactured and mobile homes are innovative means of lowering the cost for "assisted housing projects and to speed the construction process."<sup>2</sup> The Zoning Text Amendment increases the opportunity for various types of affordable manufactured or mobile homes to be developed in the residential zoning districts.*

**Environmental Analysis:** The proposed project involving a Zoning Text Amendment to applicable provisions relating to manufactured and mobile homes outside of mobile home parks, has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt from environmental review per Section 15061(b)(3)[Review for Exemption], which applies when the activity has no potential for causing a significant effect on the environment.

**Response from Agencies and Organizations:** At the time of writing this report, staff has not received any expressions of concern from any public agencies or organizations over the proposed project.

**Enclosures:** Informational 1 (State Statue for Manufactured and Mobile Homes)

**Exhibits:** Exhibit "A" (Zoning Text Amendment)

### **Recommended Actions:**

1. Hold public hearing.
2. Find PLN2004-00202 is exempt from review under the California Environmental Quality Act per Section 15061(b)(3)[Review for Exemption.]

---

<sup>2</sup> Manufactured Homes, A Handbook for Local Government; California Department of Housing and Community Development; July 2001.



3. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
4. Find the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment (PLN2004-00202) because it ensures the public health, safety and welfare of communities in conformance with State law.
5. Recommend PLN2004-00202 to the City Council in conformance with Exhibit "A" (Zoning Text Amendment).

**Exhibit "A"**  
**PLN2004-00202**  
**MANUFACTURED HOMES ZTA**

**Section 1:**

Section 8-2141. (Dwelling.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141. Dwelling.

"Dwelling" shall mean any building, or portion thereof, designated or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, travel trailer or trailer coach mobile home which is not located on a permanent foundation. (For the purposes of this chapter, the terms "travel trailer", "trailer" and "mobile home", which are each separately defined terms in this chapter, are mutually exclusive terms.)

**Section 2:**

Section 8-2141.0.1. (Dwelling, duet.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.0.1. Dwelling, duet.

"Duet dwelling" shall mean a detached building designed for occupation as the residence of two families living independently of each other, typically having one interior wall in common, with each family living area defined by separate fee title ownership of both structure and underlying land. This definition includes manufactured and mobile homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

**Section 3:**

Section 8-2141.2. (Dwelling, multiple.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.2. Dwelling, multiple.

"Multiple dwelling" shall mean a dwelling designed to contain three or more dwelling units, including apartments, condominiums, attached townhouses and similar dwellings, but excluding motels, hotels, boardinghouses, lodging houses, fraternities, and similar dwellings. This definition includes multi-unit manufactured homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

**Section 4:**

Section 8-2141.2.1. (Dwelling, secondary.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.2.1. Dwelling, secondary.

"Secondary dwelling" means an additional dwelling unit established in conjunction with a single-family dwelling on the same lot. A secondary dwelling unit shall include a kitchen, sleeping and full bathroom with facilities with a permanent foundation. As provided in Government Code §65852.2, efficiency apartments and manufactured homes may be developed and occupied as secondary dwelling unit uses consistent with this Chapter. Only manufactured or mobile homes constructed after July 1, 1976 and placed pursuant to section 8-22149(g) are permitted.

**Section 5:**

Section 8-2141.3. (Dwelling, single-family.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.3. Dwelling, single-family.

"Single-family dwelling" shall mean a dwelling designed to contain a single dwelling unit. This definition includes manufactured and mobile homes constructed after July 1, 1976, and certified under the National Mobile Home Construction and Safety Standards Act of 1974 and placed pursuant to section 8-22149(g).

#### **Section 6:**

Section 8-2141.4. (Dwelling, two-family or duplex.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2141.4. Dwelling, two-family or duplex.

"Two-family dwelling" or "duplex dwelling" shall mean a structure designed for the occupation as the residence of two families living independently of each other, typically sharing a common interior wall, with both the structure and the underlying land being under a single ownership. This definition includes manufactured and mobile homes constructed after July 1, 1976, and placed pursuant to section 8-22149(g).

#### **Section 7:**

Section 8-2162.9.2. (Manufactured home.) Article 1 (Definitions) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2162.9.2. Manufactured home.

"Manufactured home" shall mean a factory-built dwelling unit or units, ~~which is~~ transportable in one or more sections and built on a permanent chassis. A manufactured home shall not be constructed with a permanent hitch or other device permitting the transport of the unit other than for the purpose of delivery to a permanent site. The unit shall not have wheels or axles permanently attached to its body or frame. This term shall not include trailers, trailer coaches or mobile homes as defined in this chapter.

#### **Section 8:**

Section 8-2406. (Other required conditions.) Article 4 (A Agricultural District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2406. Other required conditions.

The following additional conditions shall apply in an A district:

~~(e) A manufactured or mobile home as defined in section 8-2141.3 shall be subject to certificate of compatibility pursuant to section 8-22149(g).~~

~~(f)~~ (e) Outdoor lighting shall be installed and used so as not to interfere with the comfortable enjoyment of life or property by persons of ordinary sensibilities in the community.

#### **Section 9:**

Section 8-2601. (Permitted uses.) Article 6 (R-1 Single-family Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2601. Permitted uses.

The following are the principal permitted uses in an R-1 district:

~~(d) Manufactured or mobile homes, as defined in Article 1 and subject to certificate of compatibility pursuant to Article 21.3 of this chapter;~~

~~(e)~~ (d) Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

**Section 10:**

Section 8-2701. (Principal permitted uses.) Article 7 (R-2 One- and Two-Family Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2701. Principal permitted uses.

The following are the principal permitted uses in an R-2 district:

- ~~(d) Manufactured or mobile homes, as defined in Article 1, subject to certificate of compatibility pursuant to Article 21.3 of this chapter;~~
- ~~(e)-(d)~~ Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

**Section 11:**

Section 8-2801. (Permitted uses.) Article 8 (R-G Garden Apartment Residence District) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-2801. Permitted uses.

The following are the principal permitted uses in an R-G district:

- ~~(d) Manufactured or mobile homes, as defined in Article 1, subject to certificate of compatibility pursuant to Article 21.3 of this chapter.~~
- ~~(e)-(d)~~ Any other use which the zoning administrator finds, pursuant to the requirements set forth in Article 25.2 of this chapter, is similar in nature, function or operation to permitted uses allowed within this district.

**Section 12:**

Section 8-22149. (Mobile homes and trailers not in mobile home parks--Generally.) Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of Chapter 2 (Zoning,) Title VIII (Planning and Zoning) of the Fremont Municipal Code is amended to read as follows:

Sec. 8-22149. Mobile homes and trailers not in mobile home parks--Generally.

Mobile homes, as defined by this chapter, shall only be allowed for human occupancy outside the limits of mobile home parks pursuant to the following specifications:

- (g) Manufactured or mobile homes as defined in section 8-2141.3 ~~on permanent foundations. Manufactured or mobile homes may be located in any residential zoning district placed on permanent foundations in any zone which permits single-family detached dwellings provided that a certificate of compatibility is obtained prior to the submittal of an application for a building permit. the manufactured or mobile homes conform to the following:~~
  - (1) Application process: Manufactured or mobile homes shall be occupied only for residential use.
  - a. ~~Applicant submits request on standard City of Fremont application form together with a plot plan and photographs or manufacturer's brochure depicting the proposed mobile home.~~
  - b. ~~Applicant provides addressed stamped envelopes of all owners of property within three hundred feet of the lot upon which the mobile home is proposed to be placed.~~
  - c. ~~Applicant shall submit copies of the covenants and restrictions of the lot upon which the mobile home is proposed to be placed.~~
  - d. ~~The zoning administrator shall hold a public hearing at which time the proposal will be evaluated against the criteria, and testimony received.~~
  - e. ~~The zoning administrator shall issue a certificate of compatibility if the proposed unit meets the criteria for a certificate.~~
  - f. ~~Any decision of the zoning administrator is appealable pursuant to this chapter.~~

- g. ~~Following issuance of a certificate of compatibility, the applicant shall file for a building permit under normal operating procedures of the building inspection division.~~
- (2) ~~Criteria for certificate of compatibility: All proposed mobile homes must be evaluated against the following criteria. The zoning administrator may waive one or more of the compatibility criteria when, in the opinion of the administrator, the overall effect of the proposed mobile home and its installation remains compatible with the area in which the unit is to be placed. The zoning administrator may not impose more stringent criteria or conditions.~~
- a. ~~Eligibility:~~
- ~~1. The mobile home shall be occupied only as a residence.~~
  - ~~2. The mobile home shall conform to all regulations applicable to the zoning district in which it is to be located.~~
  - ~~3. The mobile home shall be certified under the National Mobile Home Construction and Safety Act of 1974.~~
  - ~~4. The mobile home shall be attached to a permanent foundation approved by the chief building official of the City of Fremont.~~
- b. ~~Compatibility:~~
- ~~1. The mobile home minimum width shall not be less than twenty feet.~~
  - ~~2. The exterior material of the mobile home shall be similar to that customarily used in the residential structures in the surrounding areas.~~
  - ~~3. The exterior covering material shall extend to the ground except where a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.~~
  - ~~4. The roofing material shall be composition shingle or other materials customarily used on residential structures in the surrounding area. The roofing material used shall conform to the manufacturer's specifications relative to installation and roof slopes.~~
  - ~~5. The roof of a mobile home shall have a pitch of not less than two and one-half inches of vertical rise for each twelve inches of horizontal run.~~
  - ~~6. The roof shall have eave and gable overhangs of not less than twelve inches measured from the vertical side of the mobile home, or what is customarily found on existing residential structures in the surrounding area.~~
  - ~~7. The mobile home shall be provided with an enclosed garage or carport sufficient in size to accommodate two passenger vehicles and in conformance with Article 20 of this chapter.~~
  - ~~8. The exterior covering material and roof of the enclosed garage or carport shall be the same as the mobile home.~~
  - ~~9. The finish floor of the mobile home shall not exceed thirty inches above the exterior finish grade of the lot.~~
  - ~~10. The facade of the mobile home which fronts on a street shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the surrounding area.~~
  - ~~11. Landscaping shall be provided appropriate to the surrounding area.~~
  - ~~12. The mobile home shall not be in conflict with the covenants or restrictions applicable to the lot on which the mobile home is proposed to be erected.~~
- (2) Manufactured or mobile homes and any garages, carports, and other structures attached there to, must conform to all development standards applicable to the zoning district in which it is to be located.
- (3) Manufactured or mobile homes must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as may be amended.
- (4) Manufactured or mobile homes must be attached to a permanent foundation approved by the Building and Safety Division and pursuant to Section 18551 of the State Health and Safety Code.

- (5) The exterior material of the manufactured or mobile home shall be similar to that customarily used in the residential structures in the surrounding areas.
- (6) The roofing material shall be composition shingle or other materials customarily used on residential structures in the surrounding area. The roofing material used shall conform to the manufacturer's specifications relative to installation and roof slopes.
- (7) The roof shall have eave and gable overhangs of not less than twelve inches measured from the vertical side of the manufactured or mobile home, or what is customarily found on existing residential structures in the surrounding area.
- (8) Manufactured or mobile homes shall be provided with an enclosed garage, or carport, sufficient in size to accommodate two passenger vehicles and in conformance with Article 20 of this Chapter.
- (9) The exterior covering material and roof of the enclosed garage or carport shall be the same as the manufactured or mobile home.
- (10) Placement or relocation of manufactured or mobile homes over 10 years old from the date of manufacture shall not be permitted.
- (11) Manufactured or mobile homes shall not be permitted on properties listed on the National Register of Historic Places, California Register of Historic Places or the City of Fremont List of Primary Historic Resources.

**INFORMATIONAL 1  
PLN2004-00202  
MANUFACTURED HOMES ZTA**

**California Government Code**

§65852.3. (a) A city, including a charter city, county, or city and county, shall allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on lots zoned for conventional single-family residential dwellings. Except with respect to architectural requirements, a city, including a charter city, county, or city and county, shall only subject the manufactured home and the lot on which it is placed to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements. Any architectural requirements imposed on the manufactured home structure itself, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. These architectural requirements may be imposed on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings. However, any architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot. At the discretion of the local legislative body, the city or county may preclude installation of a manufactured home in zones specified in this section if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. In no case may a city, including a charter city, county, or city and county, apply any development standards that will have the effect of precluding manufactured homes from being installed as permanent residences.

(b) At the discretion of the local legislative body, any place, building, structure, or other object having a special character or special historical interest or value, and which is regulated by a legislative body pursuant to Section 37361, may be exempted from this section, provided the place, building, structure, or other object is listed on the National Register of Historic Places.

§65852.4. A city, including a charter city, a county, or a city and county, shall not subject an application to locate or install a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.) on a foundation system, pursuant to Section 18551 of the Health and Safety Code, on a lot zoned for a single-family residential dwelling, to any administrative permit, planning, or development process or requirement, which is not identical to the administrative permit, planning, or development process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot. However, a city, including a charter city, county, or city and county, may require the application to comply with the city's, county's, or city and county's architectural requirements permitted by Section 65852.3 even if the architectural requirements are not required of conventional single-family residential dwellings.